

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<u>De Lage Landen Financial Services, Inc.</u>	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 02-CV-2810
vs.	:	
	:	HON. RONALD L. BUCKWALTER
Toshiba America Medical Systems, Inc.	:	
	:	
Intervenor	:	
Plaintiff	:	
vs.	:	
	:	
DeSoto Diagnostic Imaging, LLC., Randon	:	
J. Carvel, Lynn T. Carvel, Delta Radiology,	:	
P.C. and Zobar Properties, LLC.	:	
	:	
<u>Defendants</u>	:	

**ORDER**

This matter being brought before the Court by McCarter & English, LLP, counsel for plaintiff De Lage Landen Financial Services, Inc. (the "Plaintiff") on Plaintiff's Motion For Summary Judgment Against Defendants, DeSoto Diagnostic Imaging, LLC, Randon J. Carvel, Lynn T. Carvel, Delta Radiology, P.C. and Zobar Properties, LLC (collectively, the "Defendants") under Federal Rule of Civil Procedure 56 on the ground that there is no genuine issue as to any material fact and that Plaintiff is entitled to judgment as a matter of law, and the Court having considered the said Motion and all supporting and supplemental affidavits, certifications, exhibits, documents and briefs, and all opposing affidavits, certifications, exhibits, documents and briefs filed by the Defendants,

It is on this \_\_\_\_ day of \_\_\_\_\_, 2004 ORDERED that:

Plaintiff's Motion for Summary Judgment is GRANTED as follows:

1. Summary Judgment as to Count I of Plaintiff's Complaint is hereby GRANTED in favor of Plaintiff and against defendant DeSoto Diagnostic Imaging, LLC in the amount of \$2,928,590, plus per diem interest at the rate of \$984.53 per day from April 2, 2004, plus counsel fees and costs in an amount to be determined by the Court.
2. Summary Judgment as to Count IV of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all Defendants and Count IV of Defendants' Counterclaim is dismissed with prejudice.
3. Summary Judgment as to Count V of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all Defendants and Count V of Defendants' Counterclaim is dismissed with prejudice.
4. Summary Judgment as to Count VI of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all Defendants and Count VI of Defendants' Counterclaim is dismissed with prejudice.
5. Summary Judgment as to Count VII of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all Defendants and Count VII of Defendants' Counterclaim is dismissed with prejudice.
6. Summary Judgment as to Count VIII of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all

Defendants and Count VIII of Defendants' Counterclaim is dismissed with prejudice.

7. Summary Judgment as to Count IX of Defendants' First Amended Counterclaim is hereby GRANTED in favor of Plaintiff and against all Defendants and Count IX of Defendants' Counterclaim is dismissed with prejudice.

BY THE COURT:

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RONALD L. BUCKWALTER, U.S.D.J.